

STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING

Department of Public Health and Addiction Services v.

William Van Daughtry, R.N.

License No. R23921

P. O. Box 1141

Claremore OK 74017

CASE PETITION NO. 920401-10-018

**MEMORANDUM OF DECISION**

**INTRODUCTION**

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Health Services\* (hereinafter the "Department") with a Statement of Charges dated May 26, 1993. (Department Exhibit 1) The Statement of Charges alleged, in one (1) count, violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by William Van Daughtry (hereinafter the "Respondent").

The Board issued a Notice of Hearing dated June 17, 1993 scheduling a hearing for September 23, 1993. (Department Exhibit 1) The hearing took place on September 23, 1993 in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and their specialized professional knowledge in evaluating the evidence.

- \* Prior to July 1, 1993 the Department of Public Health and Addiction Services was known as the Department of Health Services.

*Index card completed 12-13-93 J*

**FACTS**

Based on the testimony given and the exhibits offered into evidence, the Board made the following findings of fact:

1. William Van Daughtry, hereinafter referred to as the Respondent, was issued Registered Nurse License Number R23921 on February 25, 1972 and was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 3)
2. Pursuant to the General Statutes of Connecticut, Section 4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of his license. (Department Exhibit 2)
3. The Respondent was aware of the time and location of the hearing. Department Exhibit 1 indicates that the Notice of Hearing and Statement of Charges were delivered by certified mail to the Respondent.
4. The Respondent was present during the hearing but was not represented by counsel. (Hearing Transcript, September 23, 1993, p. 2)
5. During the hearing the Respondent verbally answered the Statement of Charges. (Hearing Transcript, September 23, 1993, pp. 12-13)
6. That during February 1989 while licensed as a registered nurse in the State of Colorado the Respondent was convicted of attempted second degree assault in the State of Colorado. (Department Exhibit 4) (Answer: Hearing Transcript, September 23, 1993, p. 12)

7. That on or about January 9, 1990, subsequent to his conviction, the Respondent entered into a Stipulation and Order with the Colorado State Board of Nursing whereby his registered nurse license was placed on probation for two (2) years with conditions. That the conditions of probation included treatment by a physician, psychologist or psychotherapist; participation in an Anger Control Group; submission to testing for alcohol and drugs at the discretion of his immediate supervising nurse or physician and submission of reports to the Colorado State Board of Nursing. (Department Exhibit 4)
8. That the Respondent has a history of destructive behavior and alcohol abuse. (Hearing Transcript, September 23, 1993, p. 18)
9. That on or about March 1, 1990 the Respondent notified the Colorado State Board of Nursing of his inability to comply with the terms of probation pertaining to psychological treatment and participation in an Anger Control Group. The Respondent requested that he be able to surrender his registered nurse licensed in the State of Colorado. (Department Exhibit 4)
10. That on or about September 26, 1991 the Respondent entered into a Stipulation and Order with the Colorado State Board of Nursing whereby his registered nurse license was surrendered due to his inability to comply with the terms of the Stipulation and Order dated January 9, 1990. (Department Exhibit 4)
11. That the Respondent is currently undergoing out-patient psychotherapy with a licensed psychologist and is participating in an alcohol relapse prevention program. (Respondent's Exhibit C) (Hearing Transcript, September 23, 1993, pp. 14-15, 21)

### **DISCUSSION AND CONCLUSIONS**

In consideration of the above Findings of Fact, the following conclusions are rendered:

William Van Daughtry held a valid registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges sufficiently provided information as mandated by the General Statutes of Connecticut Sections 4-177, 4-182 and 19a-17.

The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as 19-2a-1 through 19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of his license as required by the General Statutes of Connecticut Section 4-182(c).

The FIRST COUNT of the Statement of Charges alleges that the Respondent, while licensed as a registered nurse in Connecticut:

- "...2. During February 1989, he was convicted of attempted second degree assault, a felony, in the State of Colorado.
3. On or about January 9, 1990 he entered into a stipulation and order with the Colorado Board of Nursing, whereby his license was placed on probation with various terms including but not limited to, reports from his nursing supervisor and treating monitor.
4. On or about September 26, 1991, he entered into a second stipulation and order with the Colorado Board of Nursing whereby his license was surrendered due to his inability to comply with the terms of the first stipulation and order referenced in paragraph 3 above."

The Respondent admits these charges. (Answer: Hearing Transcript, September 23, 1993, pp. 12-13)

The General Statutes of Connecticut, Section 20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession.

Based on its findings and the Respondent's admission, the Board concludes that the Respondent's conduct as specified in the FIRST COUNT is proven. The Board further concludes that the conduct specified in the First Count, despite being committed outside the State of Connecticut, is conduct which fails to conform to the accepted standards of the nursing profession and therefore renders the Respondent subject to disciplinary action pursuant to the General Statutes of Connecticut.

The Respondent offered testimony (Hearing Transcript, September 23, 1993, pp. 14-21) and presented evidence (Respondent's Exhibit C) which indicates that prior, during and subsequent to the conduct cited in the First Count, the Respondent was suffering from a psychological dysfunction and alcohol abuse.

Pursuant to the General Statutes of Connecticut, Section 20-99(a), the Board may take any action set forth in General Statutes of Connecticut Section 19a-17 if it determines that a nurse's conduct fails to conform to the accepted standards of the nursing profession, including "emotional disorder or mental illness...abuse or excessive use of drugs, including alcohol, narcotics or chemicals...." (General Statutes of Connecticut Section 20-99(b)(4) and (5)). In the First Count, the Department alleged that the Respondent's conduct violated General Statutes of Connecticut Section 20-99(b)(4) and (5).

Based upon the Respondent's testimony and examination of the evidence, the Board concludes that the Respondent's psychological disorder and alcohol abuse contributed to his conduct cited in the First Count and therefore is a violation of the General Statutes of Connecticut Section 20-99(b)(4) and (5).

### **ORDER**

Pursuant to its authority under the General Statutes of Connecticut Sections 19a-17 and 20-99, the Board of Examiners for Nursing hereby orders:

1. That for the First Count the registered nurse license, No. R23921, of the Respondent be placed on probation for a period of two (2) years.
2. If any of the following conditions of probation are not met, the Respondent's license may be immediately revoked:
  - A. He shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by his employer(s) within thirty (30) days as to receipt of a copy of this Memorandum of Decision.
  - B. Should the Respondent change employment at any time during the probationary period, he shall provide a copy of this Memorandum of Decision to his employer and said employer shall notify the Board in writing, within thirty (30) days, as to receipt of a copy of this Memorandum of Decision.
  - C. The Respondent shall not accept employment as a nurse for a personnel provider service, Visiting Nurse Association or home health care agency for the period of his probation.
  - D. At his own expense, the Respondent shall engage in counseling with a licensed or certified therapist for the entire period of probation.
  - E. He shall provide a copy of this Memorandum of Decision to his therapist. The Board shall be notified in writing by his therapist, within thirty (30) days of the effective date, as to receipt of a copy of this Memorandum of Decision.
  - F. He shall cause quarterly reports to be submitted to the Board by his therapist during the entire period of probation. Quarterly therapist reports are due on the first business day of January, April, July and October. Quarterly reports shall commence with the report due January 3, 1994.

- G. Said reports cited in F above, shall include documentation of dates of treatment and an evaluation of his progress and alcohol and drug free status. Said reports shall be issued to the Board at the address cited in paragraph L below.
- H. He shall be responsible for submitting to random urine and/or blood screens for alcohol and drugs for the entire probationary period, as ordered by his therapist and/or personal physician. Said screens shall be legally defensible in that the specimen donor and chain of custody must be identified throughout the screening process. He shall be responsible for notifying the laboratory, his therapist and/or personal physician and the Board of Examiners for Nursing of any drug(s) he is taking. There must be at least one such alcohol/drug screen monthly during the first year of probation and quarterly during the second year of probation.

Said screens shall be negative for the presence of alcohol and drugs. All positive results shall be confirmed by the Gas Chromatograph Mass Spectrometer (GC/MS) testing method.

Reports of random alcohol and drug screens shall be submitted directly to the Board by the Respondent's therapist or personal physician or the testing laboratory.

Reports of said random alcohol/drug screens are due monthly, commencing January 3, 1994, during the first year of probation and quarterly, commencing January 3, 1995, during the second year of probation.

- I. He shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for him, for a legitimate purpose, by a licensed health care practitioner.

- J. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- K. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- L. Any correspondence and reports are to be addressed to:

OFFICE OF THE BOARD OF EXAMINERS FOR NURSING  
Department of Public Health and Addiction Services  
150 Washington Street  
Hartford CT 06106

- 3. Any deviation from the terms of probation without prior written approval by the Board of Examiners for Nursing will constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order and will subject the Respondent to sanctions under the General Statutes of Connecticut Section 19a-17(a) and (c) including, but not limited to, the revocation of his license. Any extension of time or grace period for reporting granted by the Connecticut Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take action at a later time. The Connecticut Board of Examiners for Nursing shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to his address of record (most current address reported to the Licensure and Renewal Section of the Division of Medical Quality Assurance of the Department of Public Health and Addiction Services or the Connecticut Board of Examiners for Nursing).
- 4. This Memorandum of Decision becomes effective, and the two (2) year probation period of the Respondent's license shall commence on December 15, 1993.

The Board of Examiners for Nursing informs the Respondent, William Van Daughtry and the Department of Public Health and Addiction Services of the State of Connecticut of this decision.  
Dated at Hartford, Connecticut, this 8th day of December, 1993.

BOARD OF EXAMINERS FOR NURSING

By

